

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 LONG NGOC TU,

5 Plaintiff,

6 v.

7 STEFANY MILEY; BRANDON ALBRIGHT;
8 ERIC FERRAN; GARY MODAFFERI,

9 Defendants.

Case No. 2:20-cv-00292-RFB-EJY

ORDER

10 **I. DISCUSSION**

11 Plaintiff is an inmate in the custody of the Clark County Detention Center (“CCDC”) and
12 submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid
13 the full filing fee for this matter nor filed an application to proceed *in forma pauperis*. Under 28
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in*
15 *forma pauperis* and attach both an inmate account statement for the past six months and a properly
16 executed financial certificate.

17 The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until
18 the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file
19 an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action.
20 If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete
21 application including both an inmate account statement for the past six months and a properly
22 executed financial certificate.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court SHALL
25 SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
26 as the document entitled information and instructions for filing an *in forma pauperis* application.

27 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this Order,
28 Plaintiff must either: (1) file a fully complete and file application to proceed *in forma pauperis*, on

1 the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2)
2 pay the full \$400 fee for filing a civil action, which includes the \$350 filing fee and the \$50
3 administrative fee.

4 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order,
5 dismissal of this action may result.

6 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No.
7 1-1) but will not file it at this time.

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9 DATED: February 21, 2020

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12 ELAYNA J. YOUCHAH
13 UNITED STATES MAGISTRATE JUDGE
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